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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/975,969	10/15/2001	Takanori Suzuki	107348-00151	1045	
	7590 08/28/2003				
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC Suite 400 1050 Connecticut Avenue, N.W.			EXAMINER		
			SCALTRITO, DONALD V		
Washington, DC 20036-5339			ART UNIT	PAPER NUMBER	
		·	1746		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examin r			Applic	ation No.	Applicant(s)				
Donald V Scalarite Donald V Scalarite	Office Action Summary			5,969	SUZUKI ET AL.				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edencine of time may be available under the previous of 3 OFR 1.136(b). In or event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. If the period time may be available under the previous of 3 OFR 1.136(b). In or event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. If this period time may be available under the previous has been the mailing date of this communication. Failuse to reply within the set or extended period for reply will, by datable, causes the application to become ABANDONED (35 U.3 C. § 133). Any reply received by the Officia bear than the time and their the mailing date of the communication, were if timely filled, may reduce any summer parent term adjustment. See 3 FC RT 1.74(b). Status 1) See Responsive to communication(s) filled on 15 October 2001 This action is FINAL. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 3.3 5 and 2 is/are objected to. 8) Claim(s) 3.4 6 and 8 is/are objected to. 8) Claim(s) 3.4 6 and 8 is/are objected to. 8) Claim(s) 6.4 6 and 8 is/are objected to by the Examiner. 10) The drawing(s) filled on 18 October 2001 is/are: a) accepted or b) disapproved by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The proposed drawing correction filed on is a) approved by disapproved by the Examiner. 11) The oath or declaration is objected to by the Examiner. 12) The oath or declaration is objected to by the Exami				n r	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. 2 detailules of time may be available under the provisions of 31 CFR 1.35(a). In no event, however, may a reply be timely filed 3 the particle for reply is periodical above, the maximum statutory period will apply and will express SK (5) MONTHS from the maximum statutory period will apply and will express SK (5) MONTHS from the maximum statutory period will apply and will express SK (5) MONTHS from the maximum statutory period will apply and will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will express SK (5) MONTHS from the maximum statutory accordance will the practice under Exp parte Quayle, 1935 C.D. 11, 453 O.G. 213. 5 Incert shis application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parte Quayle, 1935 C.D. 11, 453 O.G. 213. 5 Incert shis application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parte Quayle, 1935 C.D. 11, 453 O.G. 213. 5 Incertified Oxide State Pending in the application. 4) Claim(s)			Donald	V Scaltrito	1746				
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DETAILED ACTION

Claim Objections

Claims 2 & 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The dependent Claims 2 & 6 are directed to operational/method limitations whereas the base Claims 1 & 5 are directed to an apparatus. Since Claims 4 & 8 are dependent upon Claims 2 & 6, respectively, they are also objected to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 & 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (U.S. Patent No. 6,195,999).

Arnold et al. disclose an electrochemical engine for a vehicle comprises a storage tank containing hydrogen-retention material that reversibly takes-up and stores hydrogen at a hydrogen-storage temperature and releases it upon heating to a release temperature. A fuel cell stack using the released hydrogen produces electricity and heat by-product (note abstract).

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With respect to Claims 1 & 5, Arnold et al. disclose a fuel cell stack, a plurality of hydrogen storage vessels and a heat generator wherein the hydrogen storage vessels comprise materials capable of absorbing hydrogen (see column 2, lines 44-59 of this reference; see also Figures 1 & 3) and the heat generator generates heat through catalytic combustion (column 3, line 63 – column 4, line 8). The heat generator distributes heat and cooling media to the plurality of hydrogen storage vessels until the temperatures are sufficient to release the hydrogen from the hydrogen absorbing materials (column 5, line 37 – column 6, line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (U.S. Patent No. 6,195,999), as applied to Claims 1 & 5 above, in view of Snow et al. (U.S. Patent No. 6,589,312).

Arnold et al. dislcose all of the limitations as discussed under the 35 U.S.C. 102(e) rejections. Arnold et al. fail to teach or fairly suggest, however, the use of magnesium based hydrogen storage materials.

Snow et al. disclose a novel hydrogen storage, transportation and distribution system wherein nanoparticles are used to broaden the range of economic materials, improve performance across this broader range, and thereby lower costs of hydride and other storage

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systems (note abstract). Snow et al. teach that it is beneficial to use magnesium based materials

because magnesium is relatively cheap and abundant and can absorb large quantities of hydrogen

for its weight.

With respect to Claims 3 & 7, it would have been obvious to one of ordinary skill in the

art at the time the invention as a whole was made to incorporate the magnesium based hydrogen

storage materials of Snow et al. into the invention of Arnold et al. because Snow et al. teach that

it is beneficial to use magnesium based materials because magnesium is relatively cheap and

abundant and can absorb large quantities of hydrogen for its weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Donald Scaltrito, whose telephone number is 703.305.4926. The

examiner can be reached in his office on Monday-Friday between the hours of 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Randy Gulakowski, may be reached at 703.308.4333. The official fax number for the

organization where this application or proceeding is assigned is 703.872.9310.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703.305.0661

Donald Scaltrito Patent Examiner Art Unit 1746

August 18, 2003

RANDY GULAKOWSKI

SUPERVISORY PATEDIT EXAMINER

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